

**BUTTE-SILVER BOW LOCAL GOVERNMENT
STUDY COMMISSION**

Minutes of the Public Hearing

April 20, 2006

Butte-Silver Bow Courthouse, Third Floor Council Chambers

Meeting Date: April 20, 2006

Time: 5:30 p.m.

Place: Butte-Silver Bow Courthouse, First Floor Conference Room

Call to Order: Chairman Bob Worley brought the meeting to order at 5:45 p.m. and called roll with the following results:

Members Present: Ristene Hall, Tony Bonney, Dave Palmer, Meg Sharp, Cindi Shaw, Northey Tretheway, Bob Worley and Shag Miller

Excused Absences: Ron Rowling and Wayne Harper

Approval of Minutes: Minutes will be approved next week.

Comments from Ron Rowling: None.

Citizen Comments: None.

Items not on Agenda: Bob Worley discussed with members absent from the last meeting the discussion that took place with Jerry O'Brien. Bob Worley reviewed how Jerry O'Brien suggested the Study Commission look at the number of commissioners and have a more progressive government. The results on the computer were upsetting to Bob Worley and there were only 20 people that responded. He found the people who e-mailed their responses had the biggest difference of opinion. Everyone voted for electing a Chief Executive and Sheriff and reducing the number of commissioners.

Jerry O'Brien volunteered to publish other sets of questions before the people if they so choose. Bob Worley felt it was frustrating because they were not moving forward. Bob Worley brought up Shag's motion of revising the existing charter. He suggested they use the charter that they had been using the last 30 years.

Northey Tretheway commented that he sent the Walkerville survey to everyone and in listening to Jerry last week; he feels they are getting caught up in the minutia of the language of the charter. The charter should be something that guides BSB. That is what they have been debating the last few sessions. They are converging on a path where they just want to have something the voters will approve. They need to bring forth bold issues that will move Butte forward. A good example is the issues Walkerville brought forth. It is a message they have been debating the last few weeks.

Bob Worley agreed and felt we were confining the government. Bob Worley commented we should let Council of Commissioners handle the legislative law.

Northey Tretheway commented the question of “at will” employment and central purchasing takes credibility away from the charter. It does not shift with the winds of legislative or state law.

Cindi Shaw commented, theoretically the document should never change unless there is an amendment.

Shag Miller clarified what Northey and Bob were saying is that it should guide and the ordinance should govern but if it is not in the charter there is no way of anyone knowing the suggestion of things that should be in ordinance. Shag stated there is too much good stuff in the charter that has worked successfully over the last 30 years. Shag mentioned Wayne’s suggestion that they only need to refine the existing charter. Shag thought they should keep the existing charter.

Northey Tretheway commented that they have spent 15 months going over verbage in the charter instead of focusing on what the purpose of the charter is intended to be. Even if they decide not to have a simplified charter, they should still be focusing on the bigger things and not smitten the little things.

Cindi Shaw asked is the charter the document or instrument they use to change ordinances?

Northey Tretheway commented the frustration of it all is the language.

Tony Bonney agrees with Shag and Northey but does not think the age of this document is the consideration. Tony stated it does not tie the government hands. He thinks the fine-tuning is up to them to fix the ”at will” language and anything that comes up in the future would be the same way. Tony commented that we depend on legal advice. They have the power to make those amendments and make those changes that apply to state law. The charter should guide them as well as govern them. Tony thought the charter just needed to be fine-tuned and believed it would need to be cleaned up in ten years anyway.

Ristene Hall commented that she feels strongly for the people. Ristene gave the example of an employer writing up a job description in comparison to the Study Commission and the language of the charter. Ristene was concerned about taking some of the commissioners away and giving them so much power. Ristene expressed concern that small groups of people would be making big decisions of how the taxpayer’s money was spent.

Bob Worley discussed every two years there are six commissioners that are up. In his experience, they, the incumbents are running unopposed.

Northey Tretheway replied to Cindi Shaw that her commissioner is not running again.

Ristene Hall commented when she ran, there were several incumbents that were beaten. She and Rocko beat the incumbent. People are paying more attention.

Bob Worley commented that he agrees with Shag Miller regarding Butte having the best form of government. Bob Worley spoke of the existing charter and the problems it has caused over the years such as “at will” and the Land Records issue. Bob asked if they should be in those type of decisions or should it be legislative? Bob Worley mentioned a meeting he had with Erin Wall. She is fixing the house and putting in aquariums in the shelter to sooth the cats.

Bob Worley commented there is not a question on the form of government. Everyone agrees it should remain consolidated.

Northey Tretheway stated it comes down to going before the commissioners and telling them what is wrong.

Northey Tretheway stated the first question he has received from faxes is regarding the number of commissioners.

Bob Worley commented the question is not on keeping a consolidated form of government, it is on making the charter simpler.

Bob Worley attended the council meeting where they discussed impact fees and tax incentives for the retail outlet, Three Bears. Bob Worley stated they do not have their finances in place and it is not a direct go.

Tony replied an example like that is not in the old or new charter. Having the refined charter is not going to make it easier for businesses to come to Butte. Tony thought it should be a guiding and governing document. Tony commented for the charter to be 30 years old, it is 30 years young. He did not think now was the time to bring in a new refined charter.

Meg Sharp stated out of 40 people that were at her Easter dinner, she was the only one that read the article in the Montana Standard regarding the questions that asked about the public’s opinion on the Chief Executive, Sheriff and number of commissioners.

Shag Miller stated that Gallatin Valley is the fastest growing because of its location. The only reason Three Bears is coming to Butte is because there is a market. The government as it is functions good and should be welcome to planning and development. Shag stated it is not the total attraction that will bring businesses to the community; it is the market.

Dave Palmer thought they were on the right track by refining the existing charter. Dave commented if it is in the charter, it is a way for the people to reciprocate. Dave commented that animal control is going to be a problem for a long time and if you leave it up to the council it will not get done.

Northey Tretheway commented they did get feedback at the public hearing and they wanted to know what is it going to cost?

Cindi Shaw went to the shelter and visited with Judy Kruzich. Dave Hinch and Grant are trying to clean up their image. The building Bob Worley discussed was a rumor and they are making that house the warden's office. Cindi mentioned that a dog attacked her and the owner was given a \$600.00 fine. Cindi commented that ordinances state the procedures and people need to stand up to the commissioners.

Northey Tretheway replied it is the Chief Executive that has to enforce the law.

Northey Tretheway commented the positions of the animal warden were probably negotiated under a union and in the contract of the union.

Shag Miller commented the animal control in the County of Cascade which contracts services and supposedly works quite well.

Bob Worley stated BSB, prior to the reopening of Chelsea Bailey had a contractual service with the Humane Society. That is when they decided to close the shelter and end the contract. Bob commented now we are in the animal services business...

Bob Worley stated they need to move forward and they have spent a lot of hours talking about it.

Meg Sharp commented that as of right now, they have voted on keeping an elected Chief Executive and Sheriff and keep the number of commissioners at 12. They still have not voted on the Auditor or Superintendent of Schools.

Northey Tretheway suggested they let the voter's decide.

Bob Worley replied if the people vote to elect or hire the Chief Executive, the Sheriff and so forth that is what they will do.

Cindi Shaw stated the Animal Board has been reinstated and they have a nice shelter. Cindi thought maybe they don't need to offer an Animal Services and should take it off the table for the purpose of what they are doing.

Bob Worley commented that he met with Erin Wall. She is very much against an Administrative Officer. She could better be served by having more workers than having an administrative person.

Tony Bonney felt it had to be separated from Public Works since they are so large and have many other responsibilities.

Bob Worley commented people are concerned with the costs.

Northey stated people are not in the mood to add costs to government. If they think it is going to cost more they are going to vote it down.

Shag Miller asked if Dannette Gleason about the license fees offsetting the costs.

Ristene Hall mentioned that positions have not been filled to replace someone in the county who has left his/her position but the money is still there.

Bob Worley replied it has been his experience in government that every time someone quits a union contract comes up. They end up giving those people currently working in the county a raise.

Tony Bonney stated there are six positions that are fully funded that are being put into a reserve.

Northey Tretheway replied that typically you carry a reserve because you have to have the money for the payoff of that worker, such as vacation, sick time and retirement that has been built up. They don't replace people right away because they have to make up that reserve.

Bob Worley visited with John VanDaveer and he stated that Erin would probably get her additional 3 to 4 people.

Northey Tretheway mentioned the Council of Commissioners does not want to tackle the animal control problem.

Cindi Shaw stated due to the fact that Dave cannot catch a dog, they have no way to actually catch a dog with the equipment they use.

Bob Worley restated his suggestion that they should keep an open mind to the simplified charter but so they can move forward, he would like to go back and review the changes of the existing charter.

Northey Tretheway replied they have been word smitten. He would like them to go back and look at the structure. In addition he would like to give the voters an opportunity to vote on the structure and the big issues that will move Butte forward.

Cindi Shaw replied that she agrees with Northey. They need to bring the issues before the public and let the people vote on it one way or the other. Cindi commented once the vote is in they cannot make changes.

There was the discussion of the 90 days they have following the November election.

Shag Miller suggested the charter have the following recommendations: department heads would be appointed on a contract basis and incorporate the Auditor into the

Finance and Budget Committee. Shag stated if the public votes it down, the current charter is still in existence.

Bob Worley commented they would need to get advice from Bob McCarthy on the proposed language changes.

Bob Worley asked if the public would even know what they are voting for?

Shag Miller mentioned that they would be able to give an explanation of the proposed language change.

Meg Sharp replied it is supposed to be a neutral explanation.

Ristene Hall commented in her opinion they should come up with a charter with main points addressed. Ristene further commented the information the Montana Standard publishes would sway the opinion of the people. She does not think they should give the people a choice.

Shag Miller suggested they educate the people on why the Study Commission has made the proposed language changes.

Northey Tretheway asked if the commission has the authority to hire a department head by contract?

Bob Worley brought up a conversation he had with Joe Shoemaker. He had two ideas, the first was have individuals do ads supporting the proposed charter changes with donations for the advertising. Joe told him more important than the ads, they need to monitor Party Line. They need to have someone there to counter anyone going against what is being proposed.

Shag Miller offered to raise contributions of \$1,000.00.

Northey stated they have not been able to get the legal guidance that they need. Northey suggested that Bob Worley give the proposed Charter changes to Bob McCarthy now.

Bob Worley replied that he stopped by Bob McCarthy's office at 11:30 and he was not there. Bob Worley stated that he had also left two messages and neither was returned.

Dave Palmer mentioned the things that have not been working such as animal control and community enrichment. Dave suggested the Study Commission drive by 828 8th St. and feel free to contact anyone in Community Enrichment to ask the status of that property. Dan Dennehy is only able to contribute his role in Community Enrichment on a part-time basis and that is the reason they need to establish that in the charter. Dave Palmer stated that he is not saying the department is doing a bad job but it is places like that that are getting over-looked.

Ristene Hall commented when it is brought up that they would like to create those positions they need to point out how many jobs have been created. The public needs to be informed of tax dollars that are spent on things that they don't know about. Ristene Hall asked why not create more jobs that may do the city some good?

Bob Worley mentioned the discussion with Dave Kneebone, and Bob McCarthy suggesting they not change the language in the charter. Bob McCarthy had advised it was in good shape the way it is currently. Bob Worley mentioned that the volunteers have an attorney and will more than likely sue BSB. This is what he wanted to tell Bob McCarthy and felt he should be aware of it.

Date of Next Meeting: April 27, 2006.

Adjournment of Meeting: Bob Worley entertained a motion for adjournment. Northey Tretheway moved for the adjournment of the April 20th meeting and Cindi Shaw seconded.